

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; that I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**FIBER OPTIC SENSING SYSTEM**

which is described and claimed in:

- ☒ the attached specification; or,
- ☐ the specification in application Serial No.                      filed                      ; or,
- ☐ as amended on                      ; or,
- ☐ PCT international application No.                      filed                      as  
amended under Article 19 on                      and/or under Article 34 on  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the patentability of this invention in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign/PCT Application(s)</u>			Priority Claimed?	
Serial No.	Country	Filing Date	Yes	No
2,411,638	Canadian	November 12, 2002	X	

I hereby claim the benefit, under 35 U.S.C. §119(e), of any United States provisional application(s) that is/are listed below:

<u>U.S. Provisional Patent Applications</u>	
Serial No.	Filing Date

I hereby claim the benefit, under 35 U.S.C. §120, of any United States application(s) or any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>U.S. Patent Applications</u>			Status (Check One)		
Serial No.	Filing Date		Patented	Pending	Abandoned
<u>PCT Applications Designating US</u>			Status (Check One)		
PCT No.	Filed	U.S.S.N.	Patented	Pending	Abandoned

I hereby appoint the following attorney(s) and/or agent(s), with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:


<u>Name</u>	<u>Regn. No.</u>	<u>Name</u>	<u>Regn. No.</u>
Gerald O.S. Oyen	27,280	Gavin N. Manning	36,412
Blake R. Wiggs	29,505	George F. Kondor	40,477
Bruce M. Green	30,524	Craig A. Ash	48,228
David J. McGruder	32,375	Hilton W.C. Sue	51,325
Thomas W. Bailey	36,411		

Please direct all telephone calls to Oyen Wiggs Green & Mutala at Tel. No. 604-669-3432. Please direct all faxes to Oyen Wiggs Green & Mutala at Fax No. 604-681-4081. Please address all correspondence to:

Oyen Wiggs Green & Mutala  
Suite 480—The Station  
601 West Cordova Street  
Vancouver, British Columbia  
Canada V6B 1G1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole  
or first Inventor: Ivan Melnyk


Inventor's signature: 

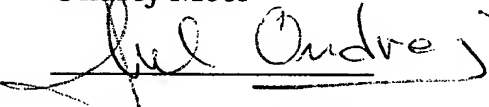
Date: November 3, 2003

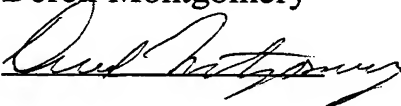
Residence Address: 604 Cottonwood Avenue  
Coquitlam, B.C.  
Canada  
V3J 2S4

Citizenship: Canadian

Mailing Address: Same as above

Full name of  
second Inventor: David Yue Yan  
Inventor's signature:   
Date: NOVEMBER 3, 2003,  
Residence Address: 32-6388 Alder Street  
Richmond, B.C.  
Canada  
V6Y 4G4  
Citizenship: Canadian  
Mailing Address: Same as above

Full name of  
third Inventor: Ondrej Mecl  
Inventor's signature:   
Date: NOV 4, 2003  
Residence Address: 404-1116 Hamilton Street  
New Westminster, B.C.  
Canada  
V3M 2M9  
Citizenship: Czech Republic  
Mailing Address: Same as above

Full name of  
fourth Inventor: Derek Montgomery  
Inventor's signature:   
Date: NOVEMBER 3, 2003  
Residence Address: 1702-320 Royal Avenue  
New Westminster, B.C.  
Canada  
V3L 5C6  
Citizenship: Canadian  
Mailing Address: Same as above

# COPY

P478 0007  
DJM/ctr  
Paper No.: \_\_\_\_\_

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Inventor(s): MELNYK, Ivan; YAN, David Yue; MECL, Ondrej; MONTGOMERY, Derek  
Title: FIBER OPTIC SENSING SYSTEM  
Serial No.: Unassigned  
Filed: New Application  
Date: November 7, 2003

Director of the United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**ASSOCIATE POWER OF ATTORNEY**

Please recognize the following attorneys as my associate attorneys in respect of this application:

<u>Name</u>	<u>Reg. No.</u>	<u>Name</u>	<u>Reg. No.</u>
Jacob E. Vilhauer	24,885	Charles D. McClung	26,568
Dennis E. Stenzel	28,763	Donald B. Haslett	28,855
J. Peter Staples	30,690	William O. Geny	27,444
Tim A. Long	28,876	Nancy J. Moriarty	40,733
Kevin L. Russell	38,292		

Please direct all telephone calls to Chernoff, Vilhauer, McClung & Stenzel at Telephone No. (503) 227-5631. Please direct all faxes to Chernoff, Vilhauer, McClung & Stenzel at fax number (503) 228-4373. Please address all correspondence to:

Chernoff, Vilhauer, McClung & Stenzel LLP  
1600 ODS Tower  
601 S.W. Second Ave.  
Portland, Oregon  
97204-3157 U.S.A.

Respectfully submitted,

By:



David J. McGruder  
Registration No. 32,375  
tel: 604.669.3432 ext. 222  
fax: 604.681.4081  
e-mail: dmcgruder@patentable.com

Vancouver, B.C.  
CANADA

**ASSIGNMENT**

WHEREAS WE, Ivan MELNYK, David Yue YAN, Ondrej MECL and Derek MONTGOMERY (collectively, the "Assignors"), whose full post office addresses are respectively 604 Cottonwood Avenue, Coquitlam, B.C., V3J 2S4, Canada; 32-6388 Alder Street, Richmond, B.C., V6Y 4G4, Canada; 404-1116 Hamilton Street, New Westminster, B.C., V3M 2M9, Canada and 1702-320 Royal Avenue, New Westminster, B.C., V3L 5C6, Canada; are the inventors of certain inventions or improvements described and claimed in the application for United States Letters Patent executed concurrently herewith and entitled:

**FIBER OPTIC SENSING SYSTEM**

AND WHEREAS, PHOTON CONTROL INC., ("Assignee") whose full post office address is 8540 Baxter Place, Burnaby, B.C., Canada, V5A 4T8, is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements, and in and to the said application, and in, to and under all Letters Patent which may be granted on or as a result thereof in all countries;

NOW THEREFORE, in consideration of ONE (\$1.00) DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, WE, the Assignors, do hereby, both jointly and severally, sell, assign, transfer and set over to the Assignee the entire right, title and interest in and to the said inventions or improvements and said application, and all continuations, divisions, renewals of or substitutes for said application, and in, to and under all Letters Patent which may be granted on or as a result thereof, and any reissue or reissues of said Letters Patent; and WE assign to and authorize the Assignee to file in our names applications for Letters Patent for said inventions or improvements in all countries, the same to be held and enjoyed by the Assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us, had this assignment, sale and transfer not been made;

AND WE hereby covenant that WE have full right to convey the entire interest herein assigned, and that WE have not executed and will not execute any agreement in conflict herewith, and WE further covenant and agree that WE will, each

time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent, in the Assignee, its successors, assigns, nominees or legal representatives, and WE agree to communicate to the Assignee, or its nominees, all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid the Assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit, proper patent protection for said inventions or improvements in all countries, all at the expense, however, of the Assignee or its successors, assigns, nominees or legal representatives;

AND WE hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any official of any country or countries foreign to the United States of America whose duty it is to issue patents on applications as aforesaid, to issue to the Assignee, as assignee of the entire right, title and interest, all Letters Patent for said inventions or improvements, which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this Assignment.

EXECUTED at Burnaby, B.C.  
CANADA this 03 day of November, 2003.

I. Melnyk  
Ivan MELNYK

#### STATEMENT OF WITNESS

I, Lauren Blair declare that I was personally present and did see Ivan MELNYK duly sign and execute the above assignment.

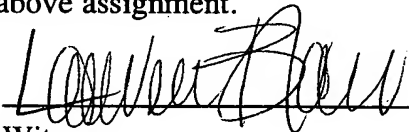
Lauren Blair  
Witness

EXECUTED at BURNABY, B.C.,  
CANADA this 3 day of November, 2003.

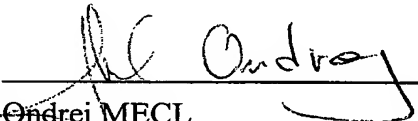
  
\_\_\_\_\_  
David Yue YAN

STATEMENT OF WITNESS

I, LAUREN BLAIR declare that I was personally present and did see  
David Yue YAN duly sign and execute the above assignment.

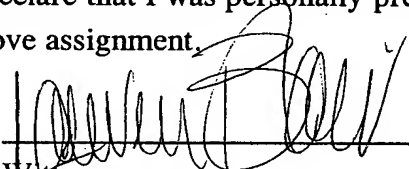
  
\_\_\_\_\_  
Witness

EXECUTED at BURNABY, B.C.,  
CANADA this 4 day of NOV, 2003.

  
\_\_\_\_\_  
Ondrej MECL

STATEMENT OF WITNESS

I, LAUREN BLAIR declare that I was personally present and did see  
Ondrej MECL duly sign and execute the above assignment.

  
\_\_\_\_\_  
Witness

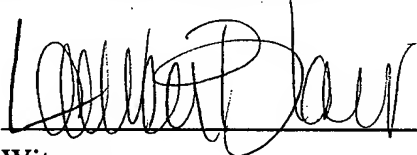


EXECUTED at BURNABY, B.C.,  
CANADA this 3 day of NOVEMBER, 2003.

  
Derek MONTGOMERY

**STATEMENT OF WITNESS**

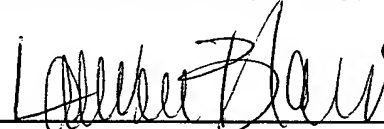
I, LAUREN BLAIR declare that I was personally present and did see  
Derek MONTGOMERY duly sign and execute the above assignment.

  
Witness

**STATEMENT OF ACCEPTANCE**

The foregoing Assignment is hereby accepted by the Assignee:

PHOTON CONTROL INC.

By:  (C/S)

Title: VICE PRESIDENT

Date: NOVEMBER 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE UNDER 37 CFR §3.73(b)

Applicant : Melnyk, Ivan  
App. No. : \_\_\_\_\_  
Filed : Concurrently Herewith  
Title : FIBER OPTIC SENSING SYSTEM  
(Assignee) : Photon Control Inc., a Canadian corporation  
(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest  
in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application  
identified above.

OR

B. ☐ A chain of title from the inventor(s), of the patent  
application identified above, to the current assignee as shown  
below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy is attached.

☐ Additional documents in the chain of title are listed on a  
supplemental sheet.

☒ Copies of assignments or other documents in the chain of title  
are attached. (Where one or more of the documents is  
unrecorded.)

The undersigned has reviewed all the documents in the chain of title  
of the patent application identified above and, to the best of  
undersigned's knowledge and belief, title is in the assignee identified  
above.

The undersigned (whose title is supplied below) is empowered to sign  
this Certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge  
are true, and that all statements made on information and belief are  
believed to be true; and further, that these statements are made with the  
knowledge that willful false statements, and the like so made, are  
punishable by fine or imprisonment, or both, under Section 1001, Title 18  
of the United States Code, and that such willful false statements may  
jeopardize the validity of the application or any patent issuing thereon.

Date : November 11, 2003  
Name : Charles D. McClung  
Title : Attorney for the Assignee (copy of Power of Attorney attached)

Signature: 

Chernoff, Vilhauer, McClung & Stenzel, LLP  
1600 ODS Tower  
601 S.W. Second Avenue  
Portland, Oregon 97204-3157  
Tel.: (503) 227-5631

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; that I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**FIBER OPTIC SENSING SYSTEM**

which is described and claimed in:

- ☒ the attached specification; or,
- ☐ the specification in application Serial No.                      filed                      ; or,
- ☐ as amended on                      ; or,
- ☐ PCT international application No.                      filed                      as  
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<u>Prior Foreign/PCT Application(s)</u>			Priority Claimed?	
Serial No.	Country	Filing Date	Yes	No
2,411,638	Canadian	November 12, 2002	X	

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<u>U.S. Provisional Patent Applications</u>	
Serial No.	Filing Date

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<u>U.S. Patent Applications</u>			Status (Check One)		
Serial No.	Filing Date		Patented	Pending	Abandoned
<u>PCT Applications Designating US</u>			Status (Check One)		
PCT No.	Filed	U.S.S.N.	Patented	Pending	Abandoned

I hereby appoint the following attorney(s) and/or agent(s), with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:


<u>Name</u>	<u>Regn. No.</u>	<u>Name</u>	<u>Regn. No.</u>
Gerald O.S. Oyen	27,280	Gavin N. Manning	36,412
Blake R. Wiggs	29,505	George F. Kondor	40,477
Bruce M. Green	30,524	Craig A. Ash	48,228
David J. McGruder	32,375	Hilton W.C. Sue	51,325
Thomas W. Bailey	36,411		

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601 West Cordova Street  
Vancouver, British Columbia  
Canada V6B 1G1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole  
or first Inventor: Ivan Melnyk


Inventor's signature: 

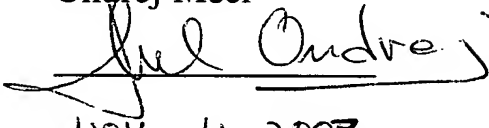
Date: November 3, 2003

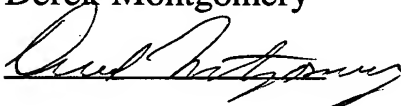
Residence Address: 604 Cottonwood Avenue  
Coquitlam, B.C.  
Canada  
V3J 2S4

Citizenship: Canadian

Mailing Address: Same as above

Full name of  
second Inventor: David Yue Yan  
Inventor's signature:   
Date: NOVEMBER 3, 2003  
Residence Address: 32-6388 Alder Street  
Richmond, B.C.  
Canada  
V6Y 4G4  
Citizenship: Canadian  
Mailing Address: Same as above

Full name of  
third Inventor: Ondrej Mecl  
Inventor's signature:   
Date: NOV 4, 2003  
Residence Address: 404-1116 Hamilton Street  
New Westminster, B.C.  
Canada  
V3M 2M9  
Citizenship: Czech Republic  
Mailing Address: Same as above

Full name of  
fourth Inventor: Derek Montgomery  
Inventor's signature:   
Date: NOVEMBER 3, 2003  
Residence Address: 1702-320 Royal Avenue  
New Westminster, B.C.  
Canada  
V3L 5C6  
Citizenship: Canadian  
Mailing Address: Same as above

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Inventor(s): MELNYK, Ivan; YAN, David Yue; MECL, Ondrej; MONTGOMERY, Derek  
Title: FIBER OPTIC SENSING SYSTEM  
Serial No.: Unassigned  
Filed: New Application  
Date: November 7, 2003

Director of the United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**ASSOCIATE POWER OF ATTORNEY**

Please recognize the following attorneys as my associate attorneys in respect of this application:

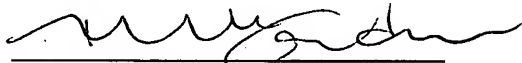
<u>Name</u>	<u>Reg. No.</u>	<u>Name</u>	<u>Reg. No.</u>
Jacob E. Vilhauer	24,885	Charles D. McClung	26,568
Dennis E. Stenzel	28,763	Donald B. Haslett	28,855
J. Peter Staples	30,690	William O. Geny	27,444
Tim A. Long	28,876	Nancy J. Moriarty	40,733
Kevin L. Russell	38,292		

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Chernoff, Vilhauer, McClung & Stenzel LLP  
1600 ODS Tower  
601 S.W. Second Ave.  
Portland, Oregon  
97204-3157 U.S.A.

Respectfully submitted,

By:



David J. McGruder  
Registration No. 32,375  
tel: 604.669.3432 ext. 222  
fax: 604.681.4081  
e-mail: dmcgruder@patentable.com

Vancouver, B.C.  
CANADA